

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRACY TURNER,

Defendant.

Case No. 1:19-cr-00007

**UNITED STATES' SENTENCING
MEMORANDUM**

The United States of America, by Nicholas W. Chase, Acting United States Attorney for the District of North Dakota, and Jeremy A. Ensrud, Special Assistant United States Attorney, hereby files the following sentencing memorandum in support of the sentencing recommendation to be made in this matter. Sentencing is currently scheduled for Thursday, March 18th, 2021 at 11:00 a.m.

I. FACTUAL BACKGROUND

In December 2018, law enforcement intercepted a package mailed to Russell Berry in Bismarck, ND. The package contained nearly five pounds of methamphetamine. Subsequent investigation revealed the package and previous packages had been mailed by Gary Brown and Tracy Turner in California. Tracy Turner and Gary Brown are brothers.

II. SENTENCING RECOMMENDATION.

a. Sentencing Guideline Range.

The total offense level is 34. As calculated under Chapter Four, Part A, defendant falls in Criminal History Category VI. A total offense level of 34 and a Criminal History

Category of VI yields a guideline range of 262-327 months. The PSR incorrectly uses a Criminal History Category of IV to arrive at a guideline range of 210-262 months.

b. Sentence Recommendation.

The United States will follow the terms of the plea agreement and recommend a sentence of 135 months, 5 years of supervised release, and a \$100 special assessment.

Dated: March 16, 2021.

NICHOLAS W. CHASE
Acting United States Attorney

By: /s/ Jeremy A. Ensrud
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